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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

UNITED STATES OF AMERICA : DOCKET NO. 2:06 cr 20027-007
V. : JUDGE MINALDI
BARRY GENE LEBLEU : MAGISTRATE JUDGE WILSON

MEMORANDUM ORDER

Before the court is a petition for revocation of pretrial release. The matter came up for a hearing this date pursuant to 18 U.S.C. § 3148.

Defendant appeared before the undersigned on August 22, 2006. He was ordered released subject to conditions. These conditions included: (1) that the defendant shall not commit any offense in violation of federal, state or local law while on release in this case, and (2) that the defendant use or possess illegal controlled substances; (3) defendant was placed and custody of Lillian Foreman and was restricted to her residence at all times except for employment, education, religious services, medica, substance abuse, or mental health treatment, attorney visits, court appearances, court-ordered obligations, or other activities as pre-approved by the supervising probation officer.

A petition has been filed alleging that defendant has violated the conditions of release in that defendant possessed and used methamphetamine on numerous occasions; he failed to show up for substance abuse counseling sessions as required, and he violated the home detention condition on numerous occasions. .

This court finds:


- (1) there is clear and convincing evidence that defendant violated the conditions of release as alleged;
- (2) that defendant is unlikely to abide by any condition or combination of

conditions of release;

- (4) that based on the factors set forth in 18 U.S.C. § 3142(g) the evidence is clear and convincing that there is no condition or combination of conditions that will reasonably assure that the defendant will appear as required and will not be a danger to others. The primary factors supporting this conclusion are:
- a. The nature and circumstances of the offenses ~~he~~ ^{she} is charged with and the number, nature and circumstances of the violations of conditions of release.
 - b. The conditions originally imposed were the minimum conditions that were felt to reasonably assure the court of the safety of others and of defendant's appearance as required. Defendant has clearly demonstrated that he has no intention of abiding by even these conditions. It is unrealistic to believe that defendant would now abide by these or other conditions.

Accordingly, defendant's release is hereby revoked. The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 8th day of January, 2007.


ALONZO P. WILSON
UNITED STATES MAGISTRATE JUDGE